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ARTICLE APPEARED ON PAGE 14

THE NEW REPUBLIC
7 February 1981

What's sauce for the CIA isn't sauce for the FBI.

Independent Agents

Although almost nobody noticed, the incoming Reagan administration has just handed an important victory to the FBI, one its agents and high-ranking officials have wanted for nearly a decade. Several weeks ago the Reagan staff announced that the new president will not install his own FBI director, but will leave the current director, William H. Webster, on the job. Webster thus becomes virtually the only top-level federal official appointed by President Carter who will serve the Reagan administration. By allowing Webster to continue in office, the Reagan people seem to have established, once again, the principle that the FBI's leadership does not change hands after presidential elections. This principle was in doubt during the 1970s. The FBI, in other words, will not be subjected to the sort of immediate political control and direction that other agencies of the federal government must soon confront. Instead, it will be regarded once again, as it was in the days of J. Edgar Hoover, as a semi-autonomous organization.

Consider, by contrast, the situation at the nation's other leading intelligence agency, the CIA. Out in Langley, Virginia, the expectation seems to be that the CIA director should clean off his desk as soon as the president who appointed him retires or is defeated. President Carter found a college classmate, Admiral Stansfield Turner, to take charge of the CIA in 1977. Now Reagan has picked his former campaign director, attorney William Casey—the sort of guy a president used to name as his attorney general—to be CIA director. While the FBI director is supposed to be an independent fellow, it seems, the CIA director is now supposed to be part of the president's foreign policy "team." This is a new tradition at the CIA and a surprising one. Not even presidents Kennedy, Johnson, and Nixon—none of them usually reluctant to assert political authority—tried to replace sitting CIA directors when they took office.

The controversy over presidential control of the FBI began in 1972, when Nixon was in the White House and Hoover was FBI director. That line-up can be viewed as a Mexican stand-off. The cranky, autocratic style of Hoover's final years gave a bad name to the cause of independence for the FBI. Nixon's ham-handed manipulations, on the other hand, gave a bad name to political control of the FBI. When Hoover died, Nixon installed L. Patrick Gray as FBI director and promptly began leaning on him to help the administration cover-up of Watergate. Many FBI officials were outraged, and some of them helped to dig up and

GRAY WAS succeeded as FBI director by Clarence M. Kelley. During the 1976 campaign Jimmy Carter attacked Kelley for what seem in retrospect like relatively minor improprieties, such as allowing FBI workers to build window valances in Kelley's suburban apartment. Carter implied that, unlike President Ford, he might have sacked Kelley on the spot. Kelley was already nearly 65 years old, and he might have been expected to step aside quickly when Carter won. Instead, shortly after the election, Kelley appeared before 350 Washington-based FBI supervisors and announced he would stay on as director through the end of 1977, in order to prevent the FBI from becoming "politicized." Kelley told the agents that if he retired at the beginning of 1977, he might set a precedent under which a new FBI director would be appointed every time a new party took control of the White House. President Carter and his attorney general, Griffin Bell, went along with the year-long delay, in part because they were having trouble finding a suitable replacement for Kelley.

Congress, meanwhile, under the prodding of Senator Robert Byrd, passed a law setting a 10-year term of office for the FBI director. The legislation ostensibly was intended to prevent future J. Edgar Hoovers, by setting a maximum period that FBI directors could serve. The law does not (and probably could not) limit the right of a president to replace his FBI director if he wanted to do so. But in practice, the 1976 law was taken as a signal that FBI directors were meant to have something other than four-year terms. Webster said last summer that he felt the 10-year term set by Congress "suggests an intention that, as long as a director is doing his job, he shouldn't come and go with changes in political administrations."

There does not seem to be any good explanation for the different treatments of the FBI and the CIA, other than bureaucratic politics. CIA officials have not mounted a vigorous campaign for independence, as FBI officials have. CIA officials may have decided they are better off being headed by a White House loyalist who can provide political protection during times of controversy.

Logically, keeping the CIA director independent makes at least as much sense as doing so for the head of the FBI. The CIA is supposed to be, primarily, an intelligence-gathering agency, which collects and analyzes information for use by policy-makers. Putting a member of the administration's "team" in charge of the CIA increases the chance that the agency will tell the White House what it wants to hear and sift out the bad news.

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